



February 26, 1999

SENATE BILL No. 628

DIGEST OF SB 628 (Updated February 24, 1999 6:00 pm - DI 87)

Citations Affected: IC 36-7.

Synopsis: Zoning. Provides that for changes to occur in zoning in west Clay Township in Hamilton County, the legislative body approving the changes must include members appointed by the elected officials of Clay Township.

Effective: Upon passage.

Clark

January 25, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.
February 25, 1999, amended, reported favorably — Do Pass.

SB 628—LS 8163/DI 94+



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February 26, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 628

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-7-4-609 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 609. (a)
3 ADVISORY. **Except as provided in section 609.5 of this chapter**, a
4 legislative body may take action under section 606, 607, or 608 of this
5 chapter only by a vote of at least a majority of all the elected members
6 of the body.
7 (b) AREA. A legislative body may take action under section 606,
8 607, or 608 of this chapter only by a vote of at least a majority of all the
9 elected members of the body.
10 (c) METRO. The legislative body may take action under section
11 606, 607, or 608 of this chapter only by a vote of at least three-fifths
12 (3/5) of all the elected members of the body.
13 (d) ADVISORY) AREA. Each city shall determine whether its
14 zoning ordinances will be subject to veto by the executive of the city.
15 If the city legislative body, by general ordinance, so provides, then each
16 zoning ordinance adopted by that city under section 606, 607, or 608
17 of this chapter may be vetoed by the executive of the city. The

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executive must exercise the veto:

- (1) in a case in which the legislative body adopts (as certified) the proposal, within ten (10) days after the legislative body acts;
- (2) in a case in which the legislative body amends the proposal and the plan commission approves the amendment or fails to act, within fifty-five (55) days after the proposal is returned to the plan commission for its consideration;
- (3) in a case in which the legislative body amends the proposal and confirms its original amendment by another vote, within ten (10) days after the legislative body confirms its original amendment; or
- (4) in a case in which the proposal is to take effect because of the legislative body's failure to act within a period of days, within ten (10) days after the expiration of that period.

(e) If a city zoning ordinance is not vetoed under subsection (d), it takes effect without any action being taken by the executive of the city.

(f) ADVISORY) AREA. If a city zoning ordinance is vetoed under subsection (d), it is defeated unless the city legislative body, at its first regular or special meeting after receiving the veto message, passes the ordinance over the veto by a two-thirds (2/3) vote.

SECTION 2. IC 36-7-4-609.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 609.5. (a) This section applies to property located within an area that has:**

- (1) a south boundary of 96th street;
- (2) a north boundary of 146th street;
- (3) a west boundary that is the county line of a county having a population of more than thirty-eight thousand (38,000) but less than thirty-eight thousand three hundred (38,300); and
- (4) an east boundary that is the municipal limit of a city having a population of more than thirty thousand (30,000) but less than thirty-two thousand (32,000);

in a township having a population of more than forty-two thousand five hundred (42,500) but less than forty-four thousand (44,000) located in a county having a population of more than one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950).

(b) To take action under section 606, 607, or 608 of this chapter, a legislative body must include in its membership:

- (1) the:
 - (A) township trustee of a township having a population of more than forty-two thousand five hundred (42,500) but



less than forty-four thousand (44,000) located in a county having a population of more than one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950); or

(B) the township trustee's designee;

(2) one (1) member appointed by the township trustee of a township having a population of more than forty-two thousand five hundred (42,500) but less than forty-four thousand (44,000) located in a county having a population of more than one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950); and
(3) two (2) members appointed by the township board of a township having a population of more than forty-two thousand five hundred (42,500) but less than forty-four thousand (44,000) located in a county having a population of more than one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950).

(c) A legislative body, as described in this section, may take action under section 606, 607, or 608 of this chapter, only by a vote of at least a majority of all the members of the body as described in this section.

(d) This section expires January 1, 2003.

SECTION 3. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 628, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 628 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 6, Nays 1.

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